

PATENT
Docket No. **0023-0218**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of)	Mail Stop: Appeal Brief - Patents
)	
Theron TOCK et al.)	Group Art Unit: 2155
)	
Application No.: 09/706,297)	Examiner: A. Nawaz
)	
Filed: November 3, 2000)	
)	
For: METHOD AND SYSTEM FOR)	
MODIFYING SCRIPT PORTIONS OF)	
REQUESTS FOR REMOTE)	
RESOURCES)	

U.S. Patent and Trademark Office
Customer Window, Mail Stop **Appeal Brief - Patents**
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APPEAL BRIEF

This Appeal Brief is submitted in response to the final Office Action, dated January 12, 2006, and in support of the Notice of Appeal, filed March 8, 2006.

I. **REAL PARTY IN INTEREST**

The real party in interest in this appeal is Juniper Networks, Inc.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

Appellants are unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 1-37 are pending in this application.

Claims 1-37 were finally rejected in the Office Action, dated January 12, 2006, and are the subject of the present appeal. These claims are reproduced in the Claim Appendix of this Appeal Brief.

IV. STATUS OF AMENDMENTS

No amendment was filed subsequent to the final Office Action, dated January 12, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In the paragraphs that follow, each of the independent claims that is involved in this appeal and each dependent claim that is argued separately will be recited followed in parenthesis by examples of where support can be found in the specification and drawings.

Claim 1 recites a method for modifying a markup language document comprising receiving the markup language document at an intermediary server (108, Fig. 1), the markup language document having at least one script portion including at least one link to a resource (538, 548, Fig. 5C; pg. 16, line 19, to pg. 17, line 17); and modifying the at least one link within the script portion of the markup language document to link to the intermediary server (560, Fig. 5D; pg. 17, lines 24-33).

Claim 2 recites that the markup language document is being requested by a client, the method being performed at the intermediary server, and further comprising delivering the markup language document to the client after modifying the at least one link (564, Fig. 5D; pg. 18, lines 6-7).

Claim 4 recites that the modifying comprises scanning the markup language document to locate the script portion (1102, Fig. 11; pg. 34, lines 26-28); searching the script portion to locate a hostname (1108, Fig. 11; pg. 35, lines 5-7); producing a replacement hostname for the located hostname (1114, Fig. 11; pg. 35, lines 18-22); and replacing the located hostname with the replacement hostname (1116, Fig. 11; pg. 35, lines 22-26).

Claim 5 recites that the located hostname is associated with one or more remote servers, and the replacement hostname is associated with the intermediary server (pg. 35, lines 18-23; pg. pg. 20, lines 15-35).

Claim 6 recites that the located hostname is part of the at least one link (pg. 35, lines 5-26).

Claim 7 recites that the at least one link is a Universal Resource Locator for a resource (pg. 35, lines 5-26).

Claim 10 is directed to a method for modifying a markup language document, comprising receiving the markup language document at an intermediary server (108, Fig. 1), the markup language document having at least a script portion including at least one of function or property statements (538, 548, Fig. 5C; pg. 16, line 19, to pg. 17, line 17); and modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the

intermediary server (1201-1224, Figs. 12A and 12B; pg. 35, line 27, to pg. 37, lines 25).

Claim 11 recites that the modifying comprises scanning the markup language document to locate the script portion (1201, Fig. 12A; pg. 36, lines 1-2); searching the script portion to locate a predetermined function or property statement (1204, Fig. 12A; pg. 36, lines 3-12); and replacing the predetermined function or property statement with a function call (1206-1222, Figs. 12A and 12B; pg. 36, line 6, to pg. 37, line 12).

Claim 13 recites that the predetermined function or property statement is replaced with a set or get cookies function call (1210, 1214, Fig. 12A; pg. 36, lines 13-25).

Claim 14 recites that the predetermined function or property statement initiates a request (1218, Fig. 12B; pg. 36, lines 30-33).

Claim 15 recites that the predetermined function or property statement returns a Universal Resource Locator (1218, Fig. 12B; pg. 36, lines 30-33).

Claim 16 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server (108, Fig. 1), a HTML document from a remote server, the HTML document having a script portion (538, 548, Fig. 5C; pg. 16, line 19, to pg. 17, line 17); locating hostnames of Universal Resource Locators (URLs) constructed or to be constructed within the script portion of the HTML document (1108, Fig. 11; pg. 35, lines 5-8); and modifying the located hostnames in accordance with a hostname associated with the intermediary server (1116, Fig. 11; pg. 35, lines 22-26).

Claim 17 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server (108, Fig. 1), a HTML document from a remote server, the HTML document having a script portion (538, 548, Fig. 5C; pg. 16, line 19, to pg. 17, line 17); locating

one of predetermined property or function statements within the script portion of the HTML document (1204, Fig. 12A; pg. 36, lines 3-12); and replacing a located statement within the script portion with a function call statement (1206-1222, Figs. 12A and 12B; pg. 36, line 6, to pg. 37, line 12).

Claim 18 recites that the predetermined function or property statement is replaced with a set or get cookies function call (1210, 1214, Fig. 12A; pg. 36, lines 13-25).

Claim 19 recites that the predetermined function or property statement initiates a request (1218, Fig. 12B; pg. 36, lines 30-33).

Claim 20 is directed to a computer readable media including at least computer program code for modifying a markup language document, the computer readable media comprising computer program code for receiving the markup language document at an intermediary server (108, Fig. 1), the markup language document having at least a script portion including at least one link to another resource (538, 548, Fig. 5C; pg. 16, line 19, to pg. 17, line 17); and computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server (560, Fig. 5D; pg. 17, lines 24-33).

Claim 21 is directed to a computer readable media including at least computer program code for modifying a markup language document, the computer readable media comprising computer program code for receiving the markup language document at an intermediary server (108, Fig. 1), the markup language document having at least a script portion including one of property or function statements (538, 548, Fig. 5C; pg. 16, line 19, to pg. 17, line 17); and computer program code for modifying at least one of the property or function statements within the script portion of the markup language document to facilitate access to other resources

residing on one or more remote servers through the intermediary server (1201-1224, Figs. 12A and 12B; pg. 35, line 27, to pg. 37, lines 25).

Claim 22 recites that the markup language document is requested by a client, the computer program code is performed at the intermediary server, and the computer readable media further comprises computer program code for delivering the markup language document to the client after said modifying the at least one link (564, Fig. 5D; pg. 18, lines 6-7).

Claim 24 recites that the computer program code for modifying comprises computer program code for scanning the markup language document to locate the script portion (1102, Fig. 11; pg. 34, lines 26-28); computer program code for searching the script portion to locate a hostname (1108, Fig. 11; pg. 35, lines 5-7); computer program code for producing a replacement hostname for the located hostname (1114, Fig. 11; pg. 35, lines 18-22); and computer program code for replacing the located hostname with the replacement hostname (1116, Fig. 11; pg. 35, lines 22-26).

Claim 25 recites that the located hostname is associated with one or more remote servers, and the replacement hostname is associated with the intermediary server (pg. 35, lines 18-23; pg. 20, lines 15-35).

Claim 26 recites that the located hostname is part of the at least one link (pg. 35, lines 5-26).

Claim 27 recites that the at least one link is a Universal Resource locator for a resource (pg. 35, lines 5-26).

Claim 30 recites that the computer program code for modifying comprises computer program code for scanning the markup language document to locate the script portion (1201, Fig.

12A; pg. 36, lines 1-2); computer program code searching the script portion to locate a predetermined function or property statement (1204, Fig. 12A; pg. 36, lines 3-12); computer program code replacing the predetermined function or property with a function call (1206-1222, Figs. 12A and 12B; pg. 36, line 6, to pg. 37, line 12).

Claim 32 recites that the predetermined function or property statement is replaced with a set or get cookies function call (1210, 1214, Fig. 12A; pg. 36, lines 13-25).

Claim 33 recites that the predetermined function or property statement initiates a request (1218, Fig. 12B; pg. 36, lines 30-33).

Claim 34 recites that the predetermined function or property statement returns a Universal Resource Locator (1218, Fig. 12B; pg. 36, lines 30-33).

Claim 35 is directed to a computer readable media including computer program code that, when executed by at least one processor in an intermediary server, performs a method for processing requests, the computer readable media comprising computer program code for receiving, at the intermediary server (108, Fig. 1), a request from a client device for an item (516, Fig. 5B; pg. 15, lines 25-27); computer program code for determining whether the item is a hyper text markup language (HTML) document (548, Fig. 5C; pg. 17, lines 1-3); computer program code for forwarding the item to the client device when the item is determined not to be a HTML document (550, Fig. 5C; pg. 17, lines 3-5); computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a uniform resource locator (URL) within the HTML document with a replacement URL to produce a modified HTML document (558, 560, 562, Fig. 5D; pg. 17, lines 14-33); and computer program code for forwarding the modified HTML document to the client

device (564, Fig. 5C; pg. 18, lines 1-7).

Claim 37 recites that the computer program code for replacing a URL comprises computer program code for scanning the HTML document to locate a script portion (1102, Fig. 11; pg. 34, lines 26-28), computer program code for searching the script portion to locate a hostname (1108, Fig. 11; pg. 35, lines 5-7), computer program code for producing a replacement hostname for the located hostname (1114, Fig. 11; pg. 35, lines 18-22), and computer program code for replacing the located hostname with the replacement hostname (1116, Fig. 11; pg. 35, lines 22-26).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-37 stand rejected under 35 U.S.C. § 102(e) as anticipated by Pettersen (U.S. Patent No. 6,826,594).

B. Claims 1, 10, 16, 17, 20, 21, and 35 stand rejected under 35 U.S.C. § 102(e) as anticipated by Delph (U.S. Patent No. 6,356,934).

VII. ARGUMENTS

A. **The rejection under 35 U.S.C. § 102(e) based on Pettersen (U.S. Patent No. 6,826,594) should be reversed.**

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2

USPQ2d 1051 (Fed. Cir. 1987).

1. Claims 1, 3, and 9.

Claim 1 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least one script portion including at least one link to a resource; and modifying the at least one link within the script portion of the markup language document to link to the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest modifying the at least one link within the script portion of the markup language document to link to the intermediary server. The Examiner relies on col. 13, lines 45-59, and col. 15, lines 38-46, of Pettersen for allegedly disclosing the above feature of Appellants' claim 1 (final Office Action, pg. 3). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 13, lines 45-59, Pettersen discloses:

The central linking web site 380, in one sense, provides linking information between affiliate web sites 390 and merchant web sites 370. The linking information is stored in a "dynamic" lookup table 383. The central linking web site 380 also includes a web server 381 which, among other things, responds to requests from affiliate web sites 390 for linking information. Application programs 382 resident at the central linking web site 380 are executed to carry out various functions of the central linking web site 380. The application programs 382 may access the dynamic lookup table 383 or an optional accounting database 384, the general purpose of which is to track usage of the dynamic links in any of a variety of manners, as will be described in more detail hereinafter.

This section of Pettersen discloses that a central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370. This section of Pettersen in no way discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

At col. 15, lines 38-46, Pettersen discloses:

An advantage of the system 350 illustrated in FIG. 6 is that merchants can maintain complete control over the content of their advertisements, and, by making changes to the information in the dynamic lookup table 383, may make changes at will to the content associated with their advertisements. In addition, any changes will be immediately reflected in any and all affiliate web pages 370 referencing the advertisement, without any effort on the part of the affiliate(s).

This section of Pettersen discloses that a merchant may make changes to the content of their advertisements. This section of Pettersen in no way discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

Pettersen is directed to the ability to send additional content to a user after the user has received an HTML document. Pettersen specifically discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25).

At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31).

Pettersen in no way discloses or suggests that affiliate web site 390, central linking web site 380, or merchant web site 370 acts as an intermediary server or that affiliate web site 390, central link web site 380, or merchant web site 370 modifies at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

Further with respect to the above feature of claim 1, the Examiner alleges "Petterson does teach the reception of an html webpage where a central linking website provides information between affiliate web sites and merchant web sites. The linking information can be changed and

modified to reflect when a web page is provided to a user system from an affiliate web site, the web page contains hidden, embedded links containing index information for the dynamic lookup table at the central linking web site without user intervention" and points to col. 14, lines 26-28, of Pettersen for support (final Office Action, pg. 6). Appellants submit that these allegations by the Examiner do not address the above feature of claim 1.

Claim 1 does not recite changing linking information to reflect when a web page is provided to a user system, where the web page contains hidden, embedded links containing index information for a dynamic lookup table at a central linking web site, as the Examiner alleges. Instead, claim 1 specifically recites modifying at least one link within a script portion of a markup language document to link to an intermediary server. The Examiner's allegations in no way relate to this feature.

At col. 14, lines 26-28, Pettersen discloses:

In one embodiment, when a web page 393 is provided to a user system 360 from an affiliate web site 390, the web page 393 contains hidden, embedded links containing index information for the dynamic lookup table 383 at the central linking web site 380, along with instructions to the user browser 362 to retrieve the content from the central linking web site 380.

This section of Pettersen merely discloses that a web page 393 contains hidden, embedded links, along with instructions to a user browser 362 to retrieve the content from central linking web site 380. As set forth above, Pettersen is directed to the ability to send additional content to a user after the user has received an HTML document. Pettersen specifically discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360

(col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Neither the above section of Pettersen nor any other section of Pettersen discloses or suggests that affiliate web site 390, central linking web site 380, or merchant web site 370 acts as an intermediary server or that affiliate web site 390, central link web site 380, or merchant web site 370 modifies at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

The Examiner has not pointed to any section of Pettersen that discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1. Accordingly, a proper case of anticipation has not been established with respect to claim 1.

For at least the foregoing reasons, Appellants submit that the rejection of claim 1 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection of claim 1 be reversed. Moreover, since claims 3 and 9 depend from claim 1, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 1.

2. Claim 2.

Claim 2 depends from claim 1. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 1. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 2 recites delivering the markup language document to the client after modifying the at least one link to link to an intermediary server. The Examiner relies on col. 16, lines 15-

43, of Pettersen for allegedly disclosing this feature (final Office Action, pg. 3). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 16, lines 15-43, Pettersen discloses:

In more detail, starting first with the embodiment illustrated in FIGS. 9A, 9B and 9C, a request is initially made to access an affiliate web site 390 from the user system browser 362 by entry of an appropriate address--e.g., "www.affiliate.com", as illustrated in FIG. 9A. In response to the request from the user system browser 362, the web server 391 at the affiliate web site 390 serves the requested web page 378 to the user system 360. The web page 378 may contain embedded links to the central linking web site 380 or, more specifically, index information referencing the dynamic lookup table 383 at the central linking web site 380 along with instructions to the user browser 362 to retrieve the content from the central linking web site 380. Preferably without user intervention, the user system browser 362 transmits the index information for each embedded link to the central linking web site 380 which, in response thereto, looks up the destination link corresponding to the index information of each embedded link.

The central linking web site 380 then retrieves the information (e.g., an image file, such as a banner advertisement) from the destination link location, which will typically be a reference to a location at the central linking web site 380. However, the content information may also be stored at a merchant web site 370, and may be accessed by the central linking web site 380 making a back-end request to the merchant web site 370 for the particular data (which alternative is illustrated in FIG. 9A by the arrow connecting to the merchant web site 370, and in FIG. 9B by the return of content files 377).

This section of Pettersen discloses that a user requests a web page from an affiliate web site 390, which provides the requested web page to the user. The web page may include embedded links to the central linking web site 380, which causes the user's web browser 362 to retrieve the content from the central linking web site 380. This section of Pettersen in no way discloses or suggests delivering a markup language document to a client after modifying the at least one link to link to an intermediary server, as required by claim 2.

For at least these additional reasons, Appellants submit that the rejection of claim 2 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the

rejection be reversed.

3. Claim 4.

Claim 4 depends from claim 1. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 1. Moreover, this claim recites additional features not disclosed or suggested by Pettersen.

Claim 4 recites that the modifying includes scanning the markup language document to locate the script portion; searching the script portion to locate a hostname; producing a replacement hostname for the located hostname; and replacing the located hostname with the replacement hostname. At the outset, Appellants submit that since Pettersen does not disclose modifying at least one link within a script portion of a markup language document to link to an intermediary server, Pettersen cannot disclose or suggest the features of claim 4.

The Examiner relies on col. 19, lines 22-39, and col. 27, lines 17-60, of Pettersen for allegedly disclosing the above features of claim 4 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 19, lines 22-39, Pettersen discloses:

In one aspect, according to various embodiments as described herein, systems and methods are provided for dynamically determining a destination link from a code link in connection with a lookup table that uses at least one parameter in the code link to access the destination link from the lookup table. The code link may, in certain embodiments, be embedded within a web page that is to be transported to a visiting user. In a preferred embodiment, "basic" information is contained in the code link, while "dynamic" information is looked up from a lookup table located on a host computer (located at, e.g., a remote web site), at run-time. Basic information is preferably the minimal amount of information necessary to perform the look up at the web server along with any additional information that is specific to the web site the link is located on. However, in alternative embodiments, information other than basic information (as described immediately above) may be contained in the code link.

This section of Pettersen discloses embedding a code link into a web page to allow for dynamic information to be retrieved. Contrary to the Examiner's allegation, this section of Pettersen in no way discloses or suggests scanning a markup language document to locate a script portion, searching the script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, as required by claim 4.

At col. 27, lines 17-60, Pettersen discloses:

Along with the AID designating which content file (e.g., merchant banner) to retrieve, the HTTP request to the central linking web site server 381 also includes a PID, which is a unique key used to identify the affiliate web site 390 from which the presentation request originated. An application program at central linking web site 380 logs the request for the specified AID and PID variables, and locates the content file (e.g., merchant banner) to be returned to the user system browser 362 using the AID. The central linking web site server 381 returns the merchant banner or other image or content in response to the request, and preferably writes one or more cookies to the user system browser 362 using a tracking domain name, with the cookies expiring after a predetermined amount of time (e.g., five years). The cookies are used to store impression data such as the AID, CID (company or merchant ID) and a time stamp.

For click-through processing, when a user clicks on a merchant banner or text link displayed by the user system browser 362 from an affiliate web page 393, a request is generated from the user system browser 362 to a central tracking application program (which may be one of the application programs 382) which preferably incorporates as part of the request any existing cookies from the user system browser 362 for the domain name used in the tracking request, and various parameters such as the AID and PID. The central tracking application program then preferably responds by writing cookies to the user system browser 362 and sending a redirect directive which includes all variables originally passed to the tracking domain on the initial click through. The user system browser 362 sends the new request specified in the redirect to the designated domain of the central linking web site server 381, including all cookies for that domain in the request header.

After various cookies are evaluated and updated (to validate time stamps, browser ids, etc.) by the application program, a redirect to the merchant's universal resource locator (URL) is sent to the user system browser 362 to connect to the

merchant web site 370. The merchant URL can either be passed as part of the original request, or alternatively can be retrieved from the application program 382 based on the passed AID value. The user system browser 362 then sends a request to the merchant web site 370 and a merchant web page 371 is loaded into the user system browser 362 for display to the user.

This section of Pettersen discloses that an ad identifier (AID) indicates which banner ad is to be retrieved. This section of Pettersen in no way discloses or suggests scanning a markup language document to locate a script portion, searching the script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, as required by claim 4.

For at least these additional reasons, Appellants submit that the rejection of claim 4 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claims 5 and 8.

Claim 5 depends from claim 4. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 4. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 5 recites that the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server. At the outset, Appellants submit that since Pettersen does not disclose searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 5.

The Examiner relies on col. 20, lines 8-65, of Pettersen for allegedly disclosing the above

feature of claim 5 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 20, lines 8-65, Pettersen discloses:

The conventional practice for processing URL links to Internet web sites is for a client system (e.g., a user system 360) to pass all information necessary for the next operation to a host web server (e.g., central linking web server 381) as a static uniform resource indicator (URI) and name-value pairs in the hypertext transfer protocol (HTTP) web site link. Such a process generally does not allow dynamic changes to those parameters. In order to change URI or name-value pair information implemented as static values, the web site's hypertext markup language (HTML) must be changed. An example of a typical merchant click-through link using static URI and name-value pairs is the following:

```
<a href="http://www.cj.com/track/track.dll?AID=
20097&PID=166422&URL=
http%3A%2F%2Fwww%2Edestinationurl%2Ecom">
```

A click-through link redirects a user's web browser 362 to load and display a new destination web site page. The example click-through link above redirects the web browser 362 to the www.destinationurl.com destination URL after running the www.cj.com/track/track.dll program, which may be one of the application programs 382. This program uses AID, PID, and URI name-value pairs passed as parameters. The PID parameter in this embodiment is a unique ID used to identify the specific affiliate web site 390 containing the merchant presentation link call which accesses the merchant lookup table 240.

An example of a typical merchant presentation link using static name-value pairs is the following:

```
</a>
```

A presentation link passes an image file back to the user's web browser 362 to be displayed on the current web site page. The example presentation link above displays an image called 20097.gif on the browser 362 after running the www.cj.com/banners/tracker.exe program, which may be one of the application programs 382. This program uses the PID, AID 250, and banner name-value pairs as passed parameters. In the two examples above, the values of the destination URL www.destinationurl.com and the display image 20097.gif are 'hard coded' into the HTML of the executing web site page. These values are static and can

only be changed by actually changing the HTML code. If these values are included in the code of a large number of web pages, the process of modifying HTML code for a multitude of web pages in order to use a different set of values can be extremely time consuming. Storing image 242 and destination URL 248 values for various merchant links on a lookup table 240 for dynamic retrieval allows easy modification of web site links and banner displays by simply changing the destination or banner data for a particular merchant advertisement. This changes the dynamically retrieved destination URL 248 and image 242 information for all web pages accessing a particular merchant AID 250 in the merchant lookup table 240.

This section of Pettersen discloses click-through links and presentation links. This section of Pettersen in no way relates to searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server, as required by claim 5. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 5. Accordingly, a proper case of anticipation has not been established with respect to claim 5.

For at least these additional reasons, Appellants submit that the rejection of claim 5 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 8 depends from claim 5, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 5.

5. Claim 6.

Claim 6 depends from claim 5. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 5. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 6 recites that the located hostname is part of the at least one link. At the outset, Appellants submit that since Pettersen does not disclose searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 6.

The Examiner relies on col. 27, lines 17-60, of Pettersen for allegedly disclosing the above feature of claim 6 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 27, lines 17-60, of Pettersen is reproduced above. This section of Pettersen discloses that central linking web site server 381 receives an ad identifier (AID) and a PID, which identifies affiliate web site 390, in a HTTP request and uses the AID to retrieve the content file to return to a user browser 362. This section of Pettersen in no way relates to searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server and where the located hostname is part of at least one link, as required by claim 6. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 6. Accordingly, a proper case of anticipation has not been established with respect to claim 6.

For at least these additional reasons, Appellants submit that the rejection of claim 6 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

6. Claim 7.

Claim 7 depends from claim 6. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 6. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 7 recites that the at least one link is a Universal Resource Locator for a resource. At the outset, Appellants submit that since Pettersen does not disclose searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 7.

The Examiner relies on col. 27, lines 17-60, of Pettersen for allegedly disclosing the above feature of claim 7 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 27, lines 17-60, of Pettersen is reproduced above. This section of Pettersen discloses that central linking web site server 381 receives an ad identifier (AID) and a PID, which identifies affiliate web site 390, in a HTTP request and uses the AID to retrieve the content file to return to a user browser 362. This section of Pettersen in no way relates to searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server and where the located hostname is part of a Universal Resource Locator for a resource, as required by claim 7. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 7. Accordingly, a proper case of

anticipation has not been established with respect to claim 7.

For at least these additional reasons, Appellants submit that the rejection of claim 7 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

7. Claims 10 and 12.

Independent claim 10 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least a script portion including at least one of function or property statements; and modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server.

The Examiner groups the rejection of claim 10 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10. The Examiner does not address this feature of claim 10. Instead, the Examiner merely alleges that "[t]hese function or property statements are the url links within the page" (final Office Action, pg. 6). Appellants submit that this allegation is unreasonable.

One skilled in the art at the time of Appellants' invention would not reasonably construe function or property statements as URL links. Appellants' specification gives examples of function or property statements (see, for example, pages 35-42 of Appellants' specification). As one example, a function or property statement may include a read of a cookie property. The Examiner does not explain why one skilled in the art would reasonably construe function or property statements as URL links and does not point to any section of Pettersen that supports the allegation that these different elements are equivalent.

Since the Examiner does not address the above feature of claim 10, a proper case of anticipation has not been established with respect to claim 10.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390 acts as an intermediary server or that any other devices acts as an intermediary server through which access to one or more remote servers can be made. Thus, Pettersen cannot disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10.

For at least the foregoing reasons, Appellants submit that the rejection of claim 10 under

35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 12 depends from claim 10, Appellants further request that the rejection of this claim be reversed for at least the reasons given above with respect to claim 10.

8. Claim 11.

Claim 11 depends from claim 10. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 10. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 11 recites that the modifying includes scanning the markup language document to locate the script portion, searching the script portion to locate a predetermined function or property statement, and replacing the predetermined function or property statement with a function call. The Examiner groups the rejection of claim 11 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, as required by claim 11. The Examiner has completely ignored these features of claim 11. Accordingly, a proper case of anticipation has not been established with respect to claim 11.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370

if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, as required by claim 11.

For at least these additional reasons, Appellants submit that the rejection of claim 11 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

9. Claim 13.

Claim 13 depends from claim 11. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 11. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 13 recites that the predetermined function or property statement is replaced with a set or get cookies function call. The Examiner relies on col. 17, lines 9-20, of Pettersen for allegedly disclosing this feature (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 17, lines 9-20, Pettersen discloses:

An advantage of the system and process described with respect to FIGS. 9A, 9B and 9C is that no direct communication is generally needed between the central linking web site 380, the merchant web site 370 or the affiliate web site 390. Rather, the central linking web site 380, the merchant web site 370 and the affiliate web site 390 only need to communicate with the user system browser 362 to achieve most or all of the functionality described above. In some embodiments, "cookies" (i.e., small data records stored on a user system browser 362 when the user visits a web site) may also be used to facilitate the aforementioned interactions.

This section of Pettersen discloses that cookies may be used to facilitate interactions between

central linking web site 380, merchant web site 370, and affiliate web site 390. This section of Pettersen in no way relates to searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement is replaced with a set or get cookies function call, as required by claim 13.

For at least these additional reasons, Appellants submit that the rejection of claim 13 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

10. Claim 14.

Claim 14 depends from claim 11. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 11. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 14 recites that the predetermined function or property statement initiates a request. The Examiner groups the rejection of claim 14 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 14. The Examiner has completely ignored the above feature of claim 14. Accordingly, a proper case of anticipation has not been established with respect to claim 14.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain

destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 14.

For at least these additional reasons, Appellants submit that the rejection of claim 14 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

11. Claim 15.

Claim 15 depends from claim 11. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 11. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 15 recites that the predetermined function or property statement returns a Universal Resource Locator. The Examiner groups the rejection of claim 15 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement returns a Universal Resource Locator, as required by claim 15. The Examiner has completely ignored the above feature of claim 15. Accordingly, a proper case of anticipation has not been

established with respect to claim 15.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement returns a Universal Resource Locator, as required by claim 15.

For at least these additional reasons, Appellants submit that the rejection of claim 15 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

12. Claim 16.

Independent claim 16 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating hostnames of Universal Resource Locators (URLs) constructed or to be constructed within the script portion of the HTML document; and modifying the located hostnames in accordance with a hostname associated with the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen do not disclose or suggest locating hostnames of URLs

constructed or to be constructed within a script portion of a HTML document received at an intermediary server. The Examiner groups the rejection of claim 16 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server, as required by claim 16. The Examiner has completely ignored this feature of claim 16. Accordingly, a proper case of anticipation has not been established with respect to claim 16.

Pettersen does not further disclose or suggest modifying the located hostnames in accordance with a hostname associated with the intermediary server, as also required by claim 16. While not specifically addressing this feature, the Examiner relies on col. 20, lines 8-65, of Pettersen for rejecting a similar feature recited in claim 5 (final Office Action, pg. 4). Appellants respectfully submit that this section of Pettersen does not disclose or suggest modifying the located hostnames in accordance with a hostname associated with the intermediary server, as required by claim 16.

Col. 20, lines 8-65, of Pettersen is reproduced above. This section of Pettersen discloses click-through links and presentation links. This section of Pettersen in no way relates to modifying located hostnames in accordance with a hostname associated with an intermediary server, as required by claim 16. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 16. Accordingly, a proper case of anticipation has not been established with respect to claim 16.

For at least the foregoing reasons, Appellants submit that the rejection of claim 16 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the

rejection be reversed.

13. Claim 17.

Independent claim 17 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating one of predetermined property or function statements within the script portion of the HTML document; and replacing a located statement within the script portion with a function call statement. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement. The Examiner groups the rejection of claim 17 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17. The Examiner does not address these features of claim 17. Instead, the Examiner merely alleges that "[t]hese function or property statements are the url links within the page" (final Office Action, pg. 6). Appellants submit that this allegation is unreasonable.

One skilled in the art at the time of Appellants' invention would not reasonably construe function or property statements as URL links. Appellants' specification gives examples of function or property statements (see, for example, pages 35-42 of Appellants' specification). As one example, a function or property statement may include a read of a cookie property. The

Examiner does not explain why one skilled in the art would reasonably construe function or property statements as URL links and does not point to any section of Pettersen that supports the allegation that these different elements are equivalent.

Since the Examiner does not address the above features of claim 17, a proper case of anticipation has not been established with respect to claim 17.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390 acts as an intermediary server or that any other devices acts as an intermediary server through which access to one or more remote servers can be made. Thus, Pettersen cannot disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17.

For at least the foregoing reasons, Appellants submit that the rejection of claim 17 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

14. Claim 18.

Claim 18 depends from claim 17. Therefore, Appellants submit that this claim is not

anticipated by Pettersen for at least the reasons given above with respect to claim 17. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 18 recites that the predetermined function or property statement is replaced with a set or get cookies function call. The Examiner relies on col. 17, lines 9-20, of Pettersen for allegedly disclosing this feature (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 17, lines 9-20, of Pettersen is reproduced above. This section of Pettersen discloses that cookies may be used to facilitate interactions between central linking web site 380, merchant web site 370, and affiliate web site 390. This section of Pettersen in no way relates to replacing a located statement within a script portion with a function call, where the predetermined function or property statement is replaced with a set or get cookies function call, as required by claim 18.

For at least these additional reasons, Appellants submit that the rejection of claim 18 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

15. Claim 19.

Claim 19 depends from claim 17. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 17. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 19 recites that the predetermined function or property statement initiates a request. The Examiner groups the rejection of claim 19 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite replacing a located statement within a script portion with a function call, where the predetermined function or property statement initiates a

request, as required by claim 19. The Examiner has completely ignored the above feature of claim 19. Accordingly, a proper case of anticipation has not been established with respect to claim 19.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests replacing a located statement within a script portion with a function call, where the predetermined function or property statement initiates a request, as required by claim 19.

For at least these additional reasons, Appellants submit that the rejection of claim 19 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

16. Claims 20, 23, and 29.

Independent claim 20 is directed to a computer readable media including at least computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including at least one link to another resource; and computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server.

Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server. The Examiner relies on col. 13, lines 45-59, and col. 15, lines 38-46, of Pettersen for allegedly disclosing the above feature of Appellants' claim 20 (final Office Action, pg. 3). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 13, lines 45-59, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370. This section of Pettersen in no way discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Col. 15, lines 38-46, of Pettersen is reproduced above. This section of Pettersen discloses that a merchant may make changes to the content of their advertisements. This section of Pettersen in no way discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Pettersen is directed to the ability to send additional content to a user after the user has received an HTML document. Pettersen specifically discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the

merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31).

Pettersen in no way discloses or suggests that affiliate web site 390, central linking web site 380, or merchant web site 370 acts as an intermediary server or that affiliate web site 390, central link web site 380, or merchant web site 370 includes computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Further with respect to the above feature of claim 20, the Examiner alleges "Petterson does teach the reception of an html webpage where a central linking website provides information between affiliate web sites and merchant web sites. The linking information can be changed and modified to reflect when a web page is provided to a user system from an affiliate web site, the web page contains hidden, embedded links containing index information for the dynamic lookup table at the central linking web site without user intervention" and points to col. 14, lines 26-28, of Pettersen for support (final Office Action, pg. 6). Appellants submit that these allegations by the Examiner do not address the above feature of claim 20.

Claim 20 does not recite changing linking information to reflect when a web page is provided to a user system, where the web page contains hidden, embedded links containing index information for a dynamic lookup table at a central linking web site, as the Examiner alleges. Instead, claim 20 specifically recites computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server. The Examiner's allegations in no way relate to this feature.

Col. 14, lines 26-28, of Pettersen is reproduced above. This section of Pettersen merely discloses that a web page 393 contains hidden, embedded links, along with instructions to a user

browser 362 to retrieve the content from central linking web site 380. As set forth above, Pettersen is directed to the ability to send additional content to a user after the user has received an HTML document. Pettersen specifically discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Neither the above section of Pettersen nor any other section of Pettersen discloses or suggests that affiliate web site 390, central linking web site 380, or merchant web site 370 acts as an intermediary server or that affiliate web site 390, central link web site 380, or merchant web site 370 includes computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

The Examiner has not pointed to any section of Pettersen that discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Accordingly, a proper case of anticipation has not been established with respect to claim 20.

For at least the foregoing reasons, Appellants submit that the rejection of claim 20 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection of claim 20 be reversed. Moreover, since claims 23 and 29 depend from claim 20, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 20.

17. Claim 21.

Independent claim 21 is directed to a computer readable media including at least computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including one of property or function statements; and computer program code for modifying at least one of the property or function statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner groups the rejection of claim 21 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21. The Examiner does not address this feature of claim 21. Instead, the Examiner merely alleges that "[t]hese function or property statements are the url links within the page" (final Office Action, pg. 6). Appellants submit that this allegation is unreasonable.

One skilled in the art at the time of Appellants' invention would not reasonably construe function or property statements as URL links. Appellants' specification gives examples of

function or property statements (see, for example, pages 35-42 of Appellants' specification). As one example, a function or property statement may include a read of a cookie property. The Examiner does not explain why one skilled in the art would reasonably construe function or property statements as URL links and does not point to any section of Pettersen that supports the allegation that these different elements are equivalent.

Since the Examiner does not address the above feature of claim 21, a proper case of anticipation has not been established with respect to claim 21.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390 acts as an intermediary server or that any other devices acts as an intermediary server through which access to one or more remote servers can be made. Thus, Pettersen cannot disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21.

For at least the foregoing reasons, Appellants submit that the rejection of claim 21 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

18. Claim 22.

Claim 22 depends from claim 20. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 20. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 22 recites computer code for delivering the markup language document to the client after modifying the at least one link to link to an intermediary server. The Examiner relies on col. 16, lines 15-43, of Pettersen for allegedly disclosing this feature (final Office Action, pg. 3).

Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 16, lines 15-43, of Pettersen is reproduced above. This section of Pettersen discloses that a user requests a web page from an affiliate web site 390, which provides the requested web page to the user. The web page may include embedded links to the central linking web site 380, which causes the user's web browser 362 to retrieve the content from the central linking web site 380. This section of Pettersen in no way discloses or suggests computer code for delivering a markup language document to a client after modifying the at least one link to link to an intermediary server, as required by claim 22.

For at least these additional reasons, Appellants submit that the rejection of claim 22 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

19. Claim 24.

Claim 24 depends from claim 20. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 20. Moreover, this claim recites additional features not disclosed or suggested by Pettersen.

Claim 24 recites that the computer code for modifying includes computer code for scanning the markup language document to locate the script portion; computer code for searching the script portion to locate a hostname; computer code for producing a replacement hostname for the located hostname; and computer code for replacing the located hostname with the replacement hostname. At the outset, Appellants submit that since Pettersen does not disclose computer code for modifying at least one link within a script portion of a markup language document to link to an intermediary server, Pettersen cannot disclose or suggest the features of claim 24.

The Examiner relies on col. 19, lines 22-39, and col. 27, lines 17-60, of Pettersen for allegedly disclosing the above features of claim 24 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 19, lines 22-39, of Pettersen is reproduced above. This section of Pettersen discloses embedding a code link into a web page to allow for dynamic information to be retrieved. Contrary to the Examiner's allegation, this section of Pettersen in no way discloses or suggests computer code for scanning a markup language document to locate a script portion, computer code for searching the script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with the replacement hostname, as required by claim 24.

Col. 27, lines 17-60, of Pettersen is reproduced above. This section of Pettersen discloses that an ad identifier (AID) indicates which banner ad is to be retrieved. This section of Pettersen in no way discloses or suggests computer code for scanning a markup language document to locate a script portion, computer code for searching the script portion to locate a hostname,

computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with the replacement hostname, as required by claim 24.

For at least these additional reasons, Appellants submit that the rejection of claim 24 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

20. Claims 25 and 28.

Claim 25 depends from claim 24. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 24. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 25 recites that the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server. At the outset, Appellants submit that since Pettersen does not disclose computer code for searching a script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 25.

The Examiner relies on col. 20, lines 8-65, of Pettersen for allegedly disclosing the above feature of claim 25 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 20, lines 8-65, of Pettersen is reproduced above. This section of Pettersen discloses click-through links and presentation links. This section of Pettersen in no way relates to computer code for searching a script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located

hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server, as required by claim 25. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 25. Accordingly, a proper case of anticipation has not been established with respect to claim 25.

For at least these additional reasons, Appellants submit that the rejection of claim 25 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 28 depends from claim 25, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 25.

21. Claim 26.

Claim 26 depends from claim 25. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 25. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 26 recites that the located hostname is part of the at least one link. At the outset, Appellants submit that since Pettersen does not disclose computer code for searching a script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 26.

The Examiner relies on col. 27, lines 17-60, of Pettersen for allegedly disclosing the above feature of claim 26 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 27, lines 17-60, of Pettersen is reproduced above. This section of Pettersen discloses that central linking web site server 381 receives an ad identifier (AID) and a PID, which identifies affiliate web site 390, in a HTTP request and uses the AID to retrieve the content file to return to a user browser 362. This section of Pettersen in no way relates to computer code for searching a script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server and where the located hostname is part of at least one link, as required by claim 26. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 26. Accordingly, a proper case of anticipation has not been established with respect to claim 26.

For at least these additional reasons, Appellants submit that the rejection of claim 26 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

22. Claim 27.

Claim 27 depends from claim 26. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 26. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 27 recites that the at least one link is a Universal Resource Locator for a resource. At the outset, Appellants submit that since Pettersen does not disclose computer code for searching a script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with

the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 27.

The Examiner relies on col. 27, lines 17-60, of Pettersen for allegedly disclosing the above feature of claim 27 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 27, lines 17-60, of Pettersen is reproduced above. This section of Pettersen discloses that central linking web site server 381 receives an ad identifier (AID) and a PID, which identifies affiliate web site 390, in a HTTP request and uses the AID to retrieve the content file to return to a user browser 362. This section of Pettersen in no way relates to computer code for searching a script portion to locate a hostname, computer code for producing a replacement hostname for the located hostname, and computer code for replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server and where the located hostname is part of a Universal Resource Locator for a resource, as required by claim 27. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above feature of claim 27. Accordingly, a proper case of anticipation has not been established with respect to claim 27.

For at least these additional reasons, Appellants submit that the rejection of claim 27 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed

23. Claims 30 and 31.

Claim 30 depends from claim 21. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 21. Moreover,

this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 30 recites that the computer program code for modifying includes computer program code scanning the markup language document to locate the script portion, computer program code searching the script portion to locate a predetermined function or property statement, and computer program code replacing the predetermined function or property statement with a function call. The Examiner groups the rejection of claim 30 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite computer program code searching the script portion to locate a predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, as required by claim 30. The Examiner has completely ignored these features of claim 30. Accordingly, a proper case of anticipation has not been established with respect to claim 30.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests computer program code searching the script portion to locate a predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, as required by claim 30.

For at least these additional reasons, Appellants submit that the rejection of claim 30

under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 31 depends from claim 30, Appellants further request that the rejection of this claim be reversed for at least the reasons given above with respect to claim 30.

24. Claim 32.

Claim 32 depends from claim 30. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 30. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 32 recites that the predetermined function or property statement is replaced with a set or get cookies function call. The Examiner relies on col. 17, lines 9-20, of Pettersen for allegedly disclosing this feature (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 17, lines 9-20, of Pettersen is reproduced above. This section of Pettersen discloses that cookies may be used to facilitate interactions between central linking web site 380, merchant web site 370, and affiliate web site 390. This section of Pettersen in no way relates to computer program code searching the script portion to locate a predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, where the predetermined function or property statement is replaced with a set or get cookies function call, as required by claim 32.

For at least these additional reasons, Appellants submit that the rejection of claim 32 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

25. Claim 33.

Claim 33 depends from claim 30. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 30. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 33 recites that the predetermined function or property statement initiates a request. The Examiner groups the rejection of claim 33 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite computer program code searching the script portion to locate a predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 33. The Examiner has completely ignored these features of claim 33. Accordingly, a proper case of anticipation has not been established with respect to claim 33.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests computer program code searching the script portion to locate a predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 33.

For at least these additional reasons, Appellants submit that the rejection of claim 33 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

26. Claim 34.

Claim 34 depends from claim 30. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 30. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 34 recites that the predetermined function or property statement returns a Universal Resource Locator. The Examiner groups the rejection of claim 34 with the rejection of claims 1-9 (final Office Action, pg. 4). Claims 1-9, however, do not recite computer program code searching the script portion to locate a predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, where the predetermined function or property statement returns a Universal Resource Locator, as required by claim 34. The Examiner has completely ignored the above feature of claim 34. Accordingly, a proper case of anticipation has not been established with respect to claim 34.

Nonetheless, Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests computer program code searching the script portion to locate a

predetermined function or property statement or computer program code replacing the predetermined function or property statement with a function call, where the predetermined function or property statement returns a Universal Resource Locator, as required by claim 34.

For at least these additional reasons, Appellants submit that the rejection of claim 34 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

27. Claims 35 and 36.

Independent claim 35 is directed to a computer readable media including at least computer program code that, when executed by at least one processor in an intermediary server, performs a method for processing requests. The computer readable media includes computer program code for receiving, at the intermediary server, a request from a client device for an item; computer program code for determining whether the item is a hyper text markup language (HTML) document; computer program code for forwarding the item to the client device when the item is determined not to be a HTML document; computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a uniform resource locator (URL) within the HTML document with a replacement URL to produce a modified HTML document; and computer program code for forwarding the modified HTML document to the client device. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML

document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document. The Examiner relies on col. 4, lines 1-17, col. 7, lines 26-44, and col. 16, lines 15-43, of Pettersen for allegedly disclosing these features (final Office Action, pg. 3). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 4, lines 1-17, Pettersen discloses:

The present invention is generally directed, in one aspect, to methods and systems for inserting dynamic or variable type content from a web server into a designated portion of a web page over a distributed electronic network, such as the Internet.

In one embodiment, a remote content management system and method are provided whereby a web page owner defines one or more areas or zones of a web page as remotely managed, and then connects to a central server to manage those areas or zones. Preferably, a variety of different types of content may be placed into the pre-designated web page areas or zones, including, for example, image-based content, regular hyper-linked text, embedded Java.RTM. applets (or other platform-independent interpretable source code), flash files, audio files, and the like.

This section of Pettersen merely discloses that a variety of different types of content may be placed into pre-designated portions of a web page. This section of Pettersen in no way discloses or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35.

At col. 7, lines 26-44, Pettersen discloses:

One possible embodiment of the smart zone content database 785 is depicted in FIG. 11. As illustrated, the smart zone content database 785 may include as entries a plurality of tag identifiers (IDs) 786 which are received from the user

system browser 762 during the rendering of a web page 793, and a plurality of files 787 associated with the tag IDs 786. The files 787 preferably comprise interpretable source code, such as, e.g., JavaScript or a similar type of source code. The source code of files 787 may instruct the user web browser to embed certain text or files, which may be located at the same web site as the files 787 (i.e., the content serving web site 780) or a remote web site. When the source code of the files 787 is interpreted by the user web browser, the result is that any type of desired content may be inserted into the smart zone, including, for example, image-based content, regular hyper-linked text, embedded Java.RTM. applets (or other platform-independent interpretable source code), flash files, audio files, and the like.

This section of Pettersen discloses that source code of files 787 may instruct a user web browser to embed certain text or files, which may be located at the same web site as the files 787 or a remote web site. This section of Pettersen in no way relates to computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35.

Col. 16, lines 15-43, of Pettersen is reproduced above. This section of Pettersen discloses that a user requests a web page from an affiliate web site 390, which provides the requested web page to the user. The web page may include embedded links to the central linking web site 380, which causes the user's web browser 362 to retrieve the content from the central linking web site 380. This section of Pettersen in no way discloses or suggests computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within

the HTML document with a replacement URL to produce a modified HTML document, as recited in claim 35.

For at least the foregoing reasons, Appellants submit that the rejection of claim 35 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 36 depends from claim 35, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 35.

28. Claim 37.

Claim 37 depends from claim 35. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 35. Moreover, this claim recites additional features not disclosed or suggested by Pettersen.

Claim 37 recites that the computer program code for replacing includes computer program code for scanning the markup language document to locate the script portion; computer program code for searching the script portion to locate a hostname; computer program code for producing a replacement hostname for the located hostname; and computer program code for replacing the located hostname with the replacement hostname. The Examiner relies on col. 19, lines 22-39, and col. 27, lines 17-60, of Pettersen for allegedly disclosing the above features of claim 37 (final Office Action, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 19, lines 22-39, of Pettersen is reproduced above. This section of Pettersen discloses embedding a code link into a web page to allow for dynamic information to be retrieved. Contrary to the Examiner's allegation, this section of Pettersen in no way discloses or suggests

computer program code for scanning a markup language document to locate a script portion, computer program code for searching the script portion to locate a hostname, computer program code for producing a replacement hostname for the located hostname, and computer program code for replacing the located hostname with the replacement hostname, as required by claim 37.

Col. 27, lines 17-60, of Pettersen is reproduced above. This section of Pettersen discloses that an ad identifier (AID) indicates which banner ad is to be retrieved. This section of Pettersen in no way discloses or suggests computer program code for scanning a markup language document to locate a script portion, computer program code for searching the script portion to locate a hostname, computer program code for producing a replacement hostname for the located hostname, and computer program code for replacing the located hostname with the replacement hostname, as required by claim 37.

For at least these additional reasons, Appellants submit that the rejection of claim 37 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

B. The rejection under 35 U.S.C. § 102(e) based on Delph (U.S. Patent No. 6,356,934) should be reversed.

1. Claim 1.

Claim 1 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least one script portion including at least one link to a resource; and modifying the at least one link within the script portion of the markup language document to link to the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest modifying the at least one link within a script portion of the markup language document to link to the intermediary server. The Examiner relies on col. 5, lines 31-49, of Delph for allegedly disclosing the above feature of Appellants' claim 1 (final Office Action, pg. 5). Appellants disagree with the Examiner's interpretation of Delph.

At col. 5, lines 31-49, Delph discloses:

At steps 4 and 5, when intermediate server 50 receives the selected content data, the control program directs it to store this data in local storage device 60 in unmodified form. The control program may then edit the data before storing the data on local storage device 60. For example, the control program can direct intermediate server 50 to edit HTML data by identifying the Web links within the data and modifying the Web links to point back to intermediate server 50 by appending the original Web link to the location code of intermediate server 50. At step 6, modified content data goes to sender computer 80 for its display on monitor screen 85. The display which screen 85 renders is identical to the display that sender computer 80 otherwise would render upon retrieving the data in unmodified form directly from content computer 70. An alternative embodiment may modify the content data so that the screen data remains the same, but the linking data changes into modified linking data that points back to intermediate server 50.

This section of Delph discloses that an intermediate server 50 can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50. This section of Delph does not disclose or suggest that the HTML data includes a script, as required by claim 1. The script, as set forth in Appellants' specification and consistent with the ordinary meaning of this term, can include, for example, JavaScript or VBscript. Delph does not disclose or suggest an HTML document that includes script. Therefore, Delph cannot disclose or suggest modifying the at least one link within a script portion of the markup language document to link to the intermediary server, as required by claim 1.

The Examiner has not pointed to any section of Delph that discloses or suggests

modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1. Accordingly, a proper case of anticipation has not been established with respect to claim 1.

For at least the foregoing reasons, Appellants submit that the rejection of claim 1 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection of claim 1 be reversed.

2. Claim 10.

Independent claim 10 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least a script portion including at least one of function or property statements; and modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner groups the rejection of claim 10 with the rejection of claim 1 (final Office Action, pg. 5). Claim 1, however, does not recite modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner does not address this feature of claim 10. Instead, the Examiner merely alleges that "[t]hese

function or property statements are the url links within the page" (final Office Action, pg. 6).

Appellants submit that this allegation is unreasonable.

One skilled in the art at the time of Appellants' invention would not reasonably construe function or property statements as URL links. Appellants' specification gives examples of function or property statements (see, for example, pages 35-42 of Appellants' specification). As one example, a function or property statement may include a read of a cookie property. The Examiner does not explain why one skilled in the art would reasonably construe function or property statements as URL links and does not point to any section of Delph that supports the allegation that these different elements are equivalent.

Since the Examiner does not address the above feature of claim 10, a proper case of anticipation has not been established with respect to claim 10.

Nonetheless, Delph does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10. As set forth above, Delph discloses that a user can retrieve content using an intermediate server 50, which can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50 (col. 5, lines 4-59). Delph in no way discloses or suggests modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10.

For at least the foregoing reasons, Appellants submit that the rejection of claim 10 under

35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

3. Claim 16.

Independent claim 16 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating hostnames of Universal Resource Locators (URLs) constructed or to be constructed within the script portion of the HTML document; and modifying the located hostnames in accordance with a hostname associated with the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph do not disclose or suggest locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server. The Examiner groups the rejection of claim 16 with the rejection of claim 1 (final Office Action, pg. 5). Claim 1, however, does not recite locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server, as required by claim 16. The Examiner has completely ignored this feature of claim 16. Accordingly, a proper case of anticipation has not been established with respect to claim 16.

For at least the foregoing reasons, Appellants submit that the rejection of claim 16 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claim 17.

Independent claim 17 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the

HTML document having a script portion; locating one of predetermined property or function statements within the script portion of the HTML document; and replacing a located statement within the script portion with a function call statement. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement. The Examiner groups the rejection of claim 17 with the rejection of claim 1 (final Office Action, pg. 5). Claim 1, however, does not recite locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17. The Examiner does not address this feature of claim 17. Instead, the Examiner merely alleges that "[t]hese function or property statements are the url links within the page" (final Office Action, pg. 6). Appellants submit that this allegation is unreasonable.

One skilled in the art at the time of Appellants' invention would not reasonably construe function or property statements as URL links. Appellants' specification gives examples of function or property statements (see, for example, pages 35-42 of Appellants' specification). As one example, a function or property statement may include a read of a cookie property. The Examiner does not explain why one skilled in the art would reasonably construe function or property statements as URL links and does not point to any section of Delph that supports the allegation that these different elements are equivalent.

Since the Examiner does not address the above feature of claim 17, a proper case of

anticipation has not been established with respect to claim 17.

Nonetheless, Delph does not disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17. As set forth above, Delph discloses that a user can retrieve content using an intermediate server 50, which can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50 (col. 5, lines 4-59). Delph in no way discloses or suggests locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17.

For at least the foregoing reasons, Appellants submit that the rejection of claim 17 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

5. Claim 20.

Independent claim 20 is directed to a computer readable media including at least computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including at least one link to another resource; and computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest computer program code for modifying

the at least one link within the script portion of the markup language document to link to the intermediary server. The Examiner relies on col. 5, lines 31-49, of Delph for allegedly disclosing the above feature of Appellants' claim 20 (final Office Action, pg. 5). Appellants disagree with the Examiner's interpretation of Delph.

Col. 5, lines 31-49, of Delph is reproduced above. This section of Delph discloses that an intermediate server 50 can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50. This section of Delph does not disclose or suggest that the HTML data includes a script, as required by claim 20. The script, as set forth in Appellants' specification and consistent with the ordinary meaning of this term, can include, for example, JavaScript or VBscript. Delph does not disclose or suggest an HTML document that includes script. Therefore, Delph cannot disclose or suggest computer program code for modifying the at least one link within a script portion of the markup language document to link to the intermediary server, as required by claim 20.

The Examiner has not pointed to any section of Delph that discloses or suggests computer program code for modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 20. Accordingly, a proper case of anticipation has not been established with respect to claim 20.

For at least the foregoing reasons, Appellants submit that the rejection of claim 20 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection of claim 20 be reversed.

6. Claim 21.

Independent claim 21 is directed to a computer readable media including at least

computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including one of property or function statements; and computer program code for modifying at least one of the property or function statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner groups the rejection of claim 21 with the rejection of claim 1 (final Office Action, pg. 5). Claim 1, however, does not recite computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner does not address this feature of claim 21. Instead, the Examiner merely alleges that "[t]hese function or property statements are the url links within the page" (final Office Action, pg. 6). Appellants submit that this allegation is unreasonable.

One skilled in the art at the time of Appellants' invention would not reasonably construe function or property statements as URL links. Appellants' specification gives examples of function or property statements (see, for example, pages 35-42 of Appellants' specification). As one example, a function or property statement may include a read of a cookie property. The

Examiner does not explain why one skilled in the art would reasonably construe function or property statements as URL links and does not point to any section of Delph that supports the allegation that these different elements are equivalent.

Since the Examiner does not address the above feature of claim 21, a proper case of anticipation has not been established with respect to claim 21.

Nonetheless, Delph does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21. As set forth above, Delph discloses that a user can retrieve content using an intermediate server 50, which can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50 (col. 5, lines 4-59). Delph in no way discloses or suggests computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21.

For at least the foregoing reasons, Appellants submit that the rejection of claim 21 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

7. Claim 35.

Independent claim 35 is directed to a computer readable media including at least computer program code that, when executed by at least one processor in an intermediary server, performs a method for processing requests. The computer readable media includes computer

program code for receiving, at the intermediary server, a request from a client device for an item; computer program code for determining whether the item is a hyper text markup language (HTML) document; computer program code for forwarding the item to the client device when the item is determined not to be a HTML document; computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a uniform resource locator (URL) within the HTML document with a replacement URL to produce a modified HTML document; and computer program code for forwarding the modified HTML document to the client device. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document. The Examiner relies on col. 3, lines 20-36, and col. 5, lines 4-59, of Delph for allegedly disclosing these features (final Office Action, pg. 5). Appellants respectfully disagree with the Examiner's interpretation of Delph.

At col. 5, lines 4-59, Delph discloses:

Steps 1-10 of FIG. 1 illustrate the operation of the intermediate server 50 for sharing data between sender computer 80 and receiver computer 90. In step 1a, sender computer 80 interfaces with intermediate server 50. An identification program loaded in the memory of intermediate server 50 directs intermediate server 50 to send a session setup form to sender computer 80, as is depicted in step 1b. In one embodiment, sender computer 80 interfaces with intermediate server 50 by using a standard Web browser, which retrieves the setup form and renders it on sender computer screen 85. A user can then input sender information to identify himself and to select content data stored at a content identification code which is of interest to him. As is depicted at step 2, a user can input the URL of

the selected content data and send this URL to intermediate server 50. Other ways of identifying the selected content may also be used.

In step 3a, a control program loaded on intermediate server 50 directs intermediate server 50 to interface with the selected content server 70, and, as step 3b depicts, receive the data identified by the URL which the sender computer user originally input. For instance, if the user input a URL of <http://www.content.interest.com> into a Web browser, intermediate server 50 would receive this URL and act as an agent for the browser of sender computer 80 by contacting content server 70 and retrieving the HTML data located in the interest subdirectory.

At steps 4 and 5, when intermediate server 50 receives the selected content data, the control program directs it to store this data in local storage device 60 in unmodified form. The control program may then edit the data before storing the data on local storage device 60. For example, the control program can direct intermediate server 50 to edit HTML data by identifying the Web links within the data and modifying the Web links to point back to intermediate server 50 by appending the original Web link to the location code of intermediate server 50. At step 6, modified content data goes to sender computer 80 for its display on monitor screen 85. The display which screen 85 renders is identical to the display that sender computer 80 otherwise would render upon retrieving the data in unmodified form directly from content computer 70. An alternative embodiment may modify the content data so that the screen data remains the same, but the linking data changes into modified linking data that points back to intermediate server 50.

At step 8, a Web browser of receiver computer 90 interfaces with intermediate server 50, which the identification program directs to send a session connection form to receiver computer 90. The user of receiver computer 90 may then identify the sender he wishes to monitor by entering an identification code of the sender. In alternative embodiments, if the receiver knows the sender it wishes to monitor, he may bypass this connection process by entering a single identifier, such as a URL, which the identification program will recognize.

This section of Delph discloses that a user can retrieve content using an intermediate server 50, which can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50. This section of Delph in no way discloses or suggests computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the

item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35. In fact, this section of Delph does not distinguish between HTML items and non-HTML items.

For at least the foregoing reasons, Appellants submit that the rejection of claim 35 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

VIII. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections of claims 1-37 under 35 U.S.C. § 102.

APPEAL BRIEF

PATENT
Application No. 09/706,297
Docket No. 0023-0218

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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IX. CLAIM APPENDIX

1. A method for modifying a markup language document comprising:
 - receiving the markup language document at an intermediary server, the markup language document having at least one script portion including at least one link to a resource; and
 - modifying the at least one link within the script portion of the markup language document to link to the intermediary server.
2. A method as recited in claim 1, wherein the markup language document is being requested by a client, the method being performed at the intermediary server, and further comprising:
 - delivering the markup language document to the client after modifying the at least one link.
3. A method as recited in claim 1, wherein the markup language document is a HTML document.
4. A method as recited in claim 1, wherein said modifying comprises:
 - scanning the markup language document to locate the script portion;
 - searching the script portion to locate a hostname;
 - producing a replacement hostname for the located hostname; and
 - replacing the located hostname with the replacement hostname.

5. A method as recited in claim 4, wherein the located hostname is associated with one or more remote servers, and the replacement hostname is associated with the intermediary server.
6. A method as recited in claim 5, wherein the located hostname is part of the at least one link.
7. A method as recited in claim 6, wherein the at least one link is a Universal Resource Locator for a resource.
8. A method as recited in 5, wherein the markup language document is a HTML document.
9. A method as recited in claim 1, wherein a hostname is associated with a remote server.
10. A method for modifying a markup language document, comprising:
 - receiving the markup language document at an intermediary server, the markup language document having at least a script portion including at least one of function or property statements; and
 - modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one

or more remote servers through the intermediary server.

11. A method as recited in claim 10, wherein said modifying comprises:
 - scanning the markup language document to locate the script portion;
 - searching the script portion to locate a predetermined function or property statement; and
 - replacing the predetermined function or property statement with a function call.

12. A method as recited in claim 11, wherein the markup language document is a HTML document.

13. A method as recited in claim 11, wherein the predetermined function or property statement is replaced with a set or get cookies function call.

14. A method as recited in claim 11, wherein the predetermined function or property statement initiates a request.

15. A method as recited in claim 11, wherein the predetermined function or property statement returns a Universal Resource Locator.

16. A method for modifying a HTML document, comprising:
 - receiving, at an intermediary server, a HTML document from a remote server, the

HTML document having a script portion;

locating hostnames of Universal Resource Locators (URLs) constructed or to be constructed within the script portion of the HTML document; and
modifying the located hostnames in accordance with a hostname associated with the intermediary server.

17. A method for modifying a HTML document, comprising:

receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion;
locating one of predetermined property or function statements within the script portion of the HTML document; and
replacing a located statement within the script portion with a function call statement.

18. A method as recited in claim 17, wherein the predetermined function or property statement is replaced with a set or get cookies function call.

19. A method as recited in claim 17, wherein the predetermined function or property statement initiates a request.

20. A computer readable media including at least computer program code for modifying a markup language document, said computer readable media comprising:

computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including at least one link to another resource; and

computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server.

21. A computer readable media including at least computer program code for modifying a markup language document, said computer readable media comprising:
 - computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including one of property or function statements; and
 - computer program code for modifying at least one of the property or function statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server.

22. The computer readable media of claim 20, wherein the markup language document is being requested by a client, the computer program code being performed at the intermediary server, and the computer readable media further comprising:
 - computer program code for delivering the markup language document to the client after said modifying the at least one link.

23. The computer readable media of claim 20, wherein the markup language

document is a HTML document.

24. The computer readable media of claim 20, wherein the computer program code for modifying comprises:

computer program code for scanning the markup language document to locate the script portion;

computer program code for searching the script portion to locate a hostname;

computer program code for producing a replacement hostname for the located hostname; and

computer program code for replacing the located hostname with the replacement hostname.

25. The computer readable media of claim 24, wherein the located hostname is associated with one or more remote servers, and the replacement hostname is associated with the intermediary server.

26. The computer readable media of claim 25, wherein the located hostname is part of the at least one link.

27. The computer readable media of claim 26, wherein the at least one link is a Universal Resource locator for a resource.

28. The computer readable media of claim 25, wherein the markup language document is a HTML document.

29. The computer readable media of claim 20, wherein a hostname is associated with a remote server.

30. The computer readable media of claim 21, wherein the computer program code for modifying comprises:

computer program code for scanning the markup language document to locate the script portion;

computer program code searching the script portion to locate a predetermined function or property statement;

computer program code replacing the predetermined function or property with a function call.

31. The computer readable media of claim 30, wherein the markup language document is a HTML document.

32. The computer readable media of claim 30, wherein the predetermined function or property statement is replaced with a set or get cookies function call.

33. The computer readable media of claim 30, wherein the predetermined function or

property statement initiates a request.

34. The computer readable media of claim 30, wherein the predetermined function or property statement returns a Universal Resource Locator.

35. A computer readable media including computer program code that, when executed by at least one processor in an intermediary server, performs a method for processing requests, the computer readable media comprising:

computer program code for receiving, at the intermediary server, a request from a client device for an item;

computer program code for determining whether the item is a hyper text markup language (HTML) document;

computer program code for forwarding the item to the client device when the item is determined not to be a HTML document;

computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a uniform resource locator (URL) within the HTML document with a replacement URL to produce a modified HTML document; and

computer program code for forwarding the modified HTML document to the client device.

36. The computer readable media of claim 35 further comprising:

computer program code for saving the modified HTML document for later retrieval by the client device.

37. The computer readable media of claim 35 wherein the computer program code for replacing a URL comprises:

computer program code for scanning the HTML document to locate a script portion,

computer program code for searching the script portion to locate a hostname,

computer program code for producing a replacement hostname for the located hostname, and

computer program code for replacing the located hostname with the replacement hostname.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.